

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

JOSE FLORES,

Defendant.

17 Cr. 449-17 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On April 10, 2020, the Court received a motion for compassionate release from Defendant Jose Flores in response to the ongoing COVID-19 pandemic. (Dkt. #515). On April 15, 2020, the Government filed a letter brief opposing Defendant's motion (Dkt. #517), and on April 17, 2020, Defendant filed a reply letter (Dkt. #518). As the Government notes in its opposition, Defendant has failed to exhaust his administrative remedies as required by 18 U.S.C. 3582(c)(1)(A). The Court has researched the issue, and now aligns itself with those sister courts that have found the exhaustion requirement to be one that it can neither waive nor excuse. *See, e.g., United States v. Roberts*, No. 18 Cr. 528-5 (JMF), 2020 WL 1700032, at \*1 (S.D.N.Y. Apr. 8, 2020). Therefore, the Court will not consider Defendant's motion at this time. However, the Court commits to revisiting the pending motion at the earlier of the Bureau of Prisons's resolution of Defendant's request or May 11, 2020.

SO ORDERED.

Dated: April 20, 2020  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge